

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

David Angel Sifuentes,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cv-00330-HFS
)	
Oyo Fitness LLC,)	
)	
Defendant.)	

ORDER TO STAY PROCEEDINGS

Plaintiff David Angel Sifuentes filed this action pro se on May 19, 2022, alleging breach of warranty under the Magnusson Moss Warranty Act and Michigan law, breach of contract, product liability claims relating to his purchase of Oya Nova Gym equipment. (Doc. 1).

After problems with service, plaintiff ultimately served the registered agent for Oyo Fitness on February 23, 2024. (Doc. 20). However, there was never an answer filed or other response by defendant. Plaintiff then moved for entry of default and default judgment. The Court entered an order of default on May 2, 2024. (Doc. 23).

Plaintiff then moved for default judgment in the amount of \$400,269.68. The motion for default judgment was denied without prejudice because plaintiff failed to provide sufficient basis on which the Court could properly consider the damage amount pursuant to Federal Rule of Civil Procedure 55(b)(2). (Doc. 26).

Thereafter, plaintiff filed another motion for default judgment (Doc. 27) and two motions to expedite hearing on default judgment (Doc. 28, 29). Plaintiff again requested that the court enter a judgment in the amount of \$400,269.66 and requested an expedited hearing on damages because Defendant Oyo filed bankruptcy. Plaintiff asks for the Court to lift the stay in bankruptcy and allow plaintiff to collect the judgment requested. (Doc. 30).

On July 9, 2024, Defendant Oyo Fitness LLC filed a Suggestion of Bankruptcy, indicating that on June 21, 2024, it initiated Voluntary Chapter 11 proceedings in the U.S. Bankruptcy Court for the District of Kansas. (Doc. 29).

Pursuant to 11 U.S.C. § 362(a)(1), the current suit must be stayed pending the bankruptcy action. It is further

ORDERED that plaintiff's motions for expedited hearings are DENIED (Docs. 28, 30). It is further

ORDERED that the parties notify the Court of any developments relevant to the bankruptcy proceedings. Because plaintiff is proceeding pro se the Court further directs Defendant to file a status report every ninety days advising the court as to the status of the bankruptcy proceedings.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

Dated: August 15, 2024
Kansas City, Missouri